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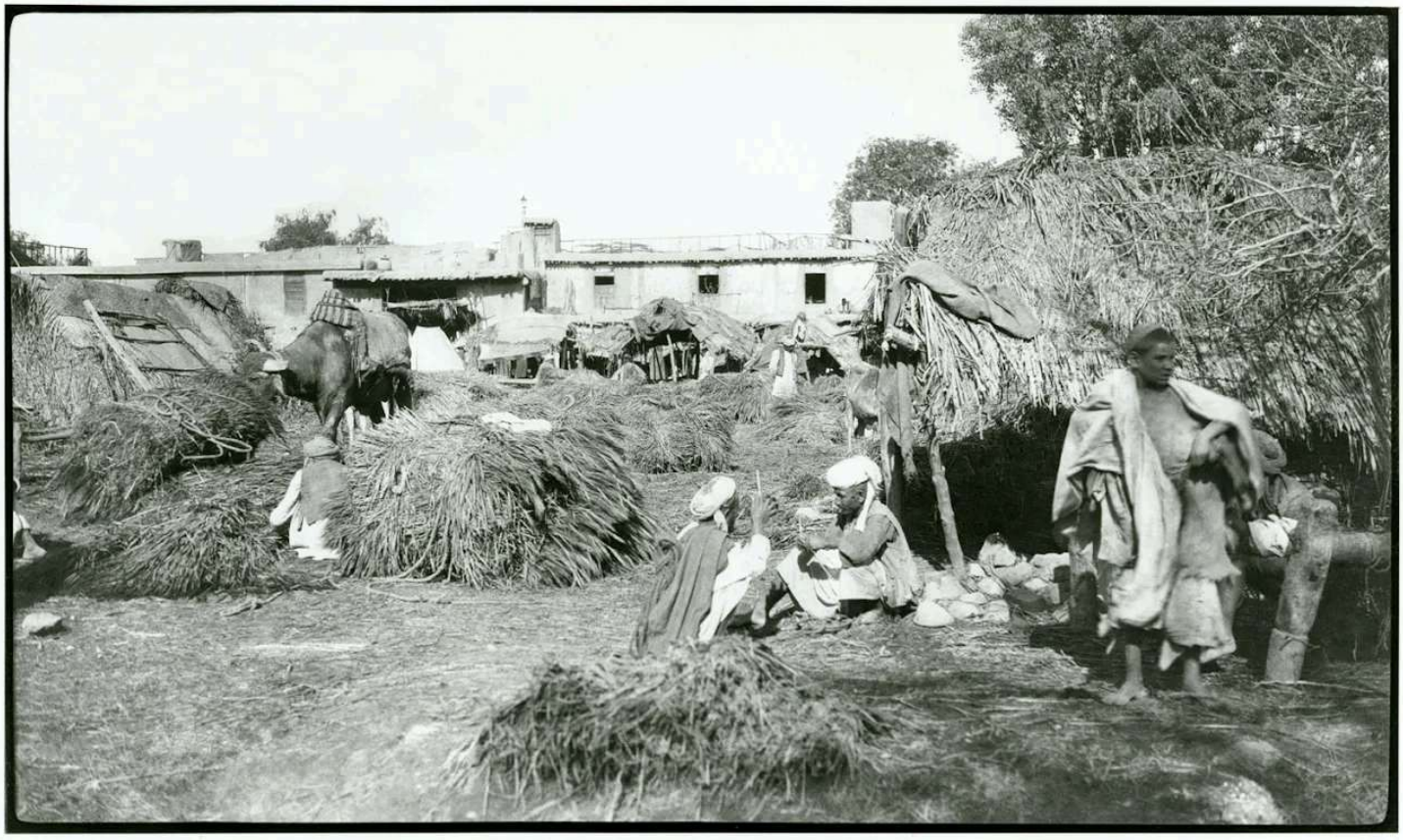
POLITICS / COMMENTARY

The Lie of the Land

Why losing territorial sovereignty poses an existential threat to Kashmiris



A market in Srinagar in 1917. EDWARD FITZGERALD CHARLESWORTH / PETER CHARLESWORTH COLLECTION / GETTY IMAGES

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On 5 August 2019, the home minister declared in parliament that the special status granted to Jammu and Kashmir under Article 370 of the Constitution was going to be scrapped. The announcement came amid a communications blackout, the house arrest of prominent leaders and the mass deployment of troops in the state.

Any longtime observer of events unfolding in Kashmir would admit that there was not much left of the nominal autonomy granted under Article 370—the basis on which Jammu and Kashmir acceded to the Indian union

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the Valley. The more devastating implication of the presidential order, however, lies in the removal of Article 35A, which recognised permanent residents of the state as having exclusive rights to buy and sell immovable property, in addition to reservation in government jobs and scholarships.

Interpreted by many as beginning an overt settler-colonial project, the loss of this modicum of territorial sovereignty poses an existential threat to the people of Kashmir. Maintaining land as inalienable wealth—or, more particularly, preventing outsiders from establishing a land market in Kashmir—is a principle with historical depth and significance in the region. It is deeply woven in with idioms of sovereignty and environmental stewardship in ways that extend beyond the religious and demographic polarisations that jettison the present political conversations around Kashmir.

During my fieldwork in Kashmir, conversations that came up with particular reference to the 2008 Amarnath land transfer, in which the state government decided to transfer nearly a hundred acres of land to the Shri Amarnath Shrine Board to construct temporary facilities for Hindu pilgrims, highlighted the need for ecological protection in asserting the right to protect their lands against external ingress. While the ecological costs of expanding the pilgrimage—not to mention the environmental consequences of military encroachment upon the state's lands—have been well documented, the roots of land protection are grounded in history. This became clear to me in an encounter I had one afternoon in the autumn of 2013, in which the term *hifazat* was used to describe this sentiment.

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Jammu and Kashmir | Article 370 | Kashmir | State Subjects